

**Weekly Report – 08/04/2017**  
**Region 1**

**Hot Issues**

**Joint Base Cape Cod (Otis Air National Guard Base/Camp Edwards Superfund Site), Mashpee MA**

- The Air Force has awarded a contract for installation of municipal water to homes impacted by per- and polyfluoroalkyl substances (PFAS), specifically perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).
- In November 2016, PFAS was discovered at levels exceeding EPA's Health Advisory level (at slightly above 100 ppt) in a potable supply well that serves 93 homes in the Lakeside Estates trailer park and at six additional homes in the area with individual potable wells.
- In December 2016, the Air Force was unsuccessful in securing access from the owner of the trailer park to install a carbon filtration system on the supply well. The town's Board of Health got involved due to other violations at the trailer park not related to the Air Force or the Superfund site.
- In March 2017, the Air Force determined that it could fund connection of impacted homes in the area to the public water supply. The Air Force subsequently secured funding and finalized the contract in July 2017.
- The Air Force delivered notices to residents on July 21. Mobilization is underway and the Air Force estimates all water mains, fire hydrants, and connections to homes will be complete by the end of September. Bottled water delivery will continue until work is complete.
- EPA continues to work with the Air Force to develop a work plan to investigate emerging contaminants (including 1,4-dioxane and PFAS) in the overall area. The Air Force is proactively conducting well surveys and addressing impacted wells as needed.

**North Montello Street, Brockton, MA**

- In response to a request from MassDEP and the City of Brockton to address asbestos-containing materials (ACM) resulting from a building fire in July 2016, EPA performed a time-critical removal action in Summer 2017.
- Consistent with OLEM policy regarding ACM cleanups, the Region consulted with EPA HQ and subsequently received their concurrence for the removal action.
- During the 2-month project, a total of 36 truckloads of ACM were transported off site to a licensed landfill. In addition, approximately 50,000 lbs of scrap metal have been segregated/collected/recycled with the proceeds from the recycling being returned to EPA removal program budget. Air monitoring and dust suppression were performed throughout the duration of the project.
- Approximately \$400,000 in EPA funds were expended on this project. To protect against a potential windfall by the property owner, EPA placed a lien on the property as part of its cost-recovery efforts.
- The project was a successful collaboration among the city, state, and EPA. Prior to the commencement of the removal action, MassDEP secured the site with fencing and covered the ACM piles with tarp; the City provided enhanced police patrolling of the area to assist with site security/traffic control and use of its fire department for dust suppression. All work was coordinated with MassDEP and the city, including the Mayor's office.

## **Redevelopment in Hartford, CT**

- Region 1 has worked with the owner and developer of PCB-contaminated property in Hartford, CT, on a plan that will facilitate cleanup of the contamination and development and reuse of the 36-acre parcel.
- In 2006, EPA entered into a Consent Agreement with Danny Corp., the property owner, resolving PCB-manifesting, storage, marking and disposal violations under the Toxic Substances Control Act (TSCA). As part of the settlement, Danny Corp. agreed to characterize and clean up PCB contamination on the property.
- Danny Corp. has not had sufficient funds to complete the work, and despite efforts to market the property, has been unable to sell it because of uncertainty about the extent of contamination.
- Region 1 has worked with Danny Corp. and an environmental services company to develop a plan through which the property will be subdivided into three parcels for characterization, cleanup and sale.
- The sale of the two less contaminated parcels to buyers will generate funds that will be placed in a reserve fund for the cleanup of the third.
- The state is very supportive of Region I's efforts in getting this long-contaminated property cleaned up.

## **Upcoming Public Events**

- On August 3 EPA is conducting a public hearing on the proposed plan for OU4 (Southwest Properties), at the Wells G & H Superfund Site in Woburn, MA. The comment period expires on August 14.
- The annual public information meeting for Callahan Mine Superfund site in Brooksville, ME, is scheduled for August 8.
- A public meeting is scheduled for August 9 regarding an ESD (Explanation of Significant Differences) for the Eastern Surplus Superfund site in Meddybemps, ME.
- Brownfields staff will participate in two mid-August community development meetings organized by Congressman Joseph Courtney (CT) scheduled in Windham and New London.

## **Upcoming Major Decisions**

None this week.

## **Past Highlights**

### **Industri-plex Superfund Site, MA**

- Last week Region 1 hosted engineering students from Spain on a tour of the Industriplex and Wells G&H Superfund Sites in Woburn.

### **Bartlett Station Groundbreaking on a Former Brownfields Site**

- A groundbreaking celebration was held on August 2nd for Bartlett Place -- a new mixed-use development in an environmental justice community in Roxbury, MA
- From 2011 to 2013, EPA awarded \$1M in Brownfields cleanup funding for the 5 properties that formerly comprised a large Massachusetts Bay Transit Authority bus maintenance facility. EPA's \$1 million investment will leverage about \$120 million in public and private investment.
- The project will provide a village setting that includes 313 units of affordable, moderate, and market-rate rental and homeownership housing; as well as over 54,000 SF of retail and commercial space, including a food market.
- The development is expected to provide 400 construction-related jobs and over 200 permanent jobs.

- The developer has set aggressive goals for hiring local workers and WBE/MBE companies, which are close to being met and in some cases have already been exceeded.

Upcoming Hot Issues and Important Deadlines

## Ex. 5 - Deliberative Process

- **Coal ash disposal by AES in Puerto Rico.** The disposal of coal ash from AES power plants at landfills in Puerto Rico continues to attract significant public outcry, demonstrations, and press attention. In coordination with OPA, Region 2 has provided responses to press inquiries.
- **Vieques (PR) Superfund Site:** Community members protested at the 8/1 meeting of the Restoration Advisory Board, established by the Navy to provide community input on its ongoing remediation of this former military site. Residents expressed ongoing concerns about the Navy's practice of open detonation of unexploded ordinance & munitions, and its controlled burning of vegetation to safely locate and address unexploded submunitions. There also have been erroneous allegations that hazardous and/or radioactive materials from the site were being transported by ferry from Vieques to the main island of Puerto Rico. Region 2 has received multiple media inquiries on these topics and has provided responses, in coordination with OPA.

Upcoming Public Events

- **Hudson River Five Year Review Public Meeting:** At the request of stakeholders and Senators Schumer and Gillibrand, a third (and final) public meeting will be held on 8/9 in New York City.

Past Week Accomplishments

- **Region 2 Issued three Clean Air Act §112(r) Administrative Compliance Orders (ACOs) for "General Duty" Clause violations at ammonia refrigeration facilities.** Region 2 issued ACO's to Welch Foods Inc. for noncompliance at its Westfield, NY facility on 7/13, to Saint-Gobain Ceramics Boron Nitride for noncompliance at its Amherst, NY facility on 8/2; and to Tops Markets LLC for noncompliance at its West Seneca, NY facility on 8/2. The ACOs require the companies to take actions to come into compliance, including submission of risk management plans, performing process hazard analyses, providing process safety information, assessing mechanical integrity, training staff, and isolating and properly ventilating the refrigeration system machinery rooms.
- **Region 2 issued an administrative compliance order to the City of Newark for dry weather discharge violations.** Violations include failure to map an MS4 storm water outfall, failure to conduct outfall inspections at the outfall, and failure to implement the Illicit Discharge Detection and Elimination (IDDE) Program to detect and eliminate illicit connections to the MS4, as required by MS4 General Permit. The order requires the city to assess all its closures of combined sewer outfalls to determine if there are other, similar stormwater-only outfalls that are required to be

included as part of the City's MS4 program; map all MS4 outfalls; and implement the IDDE program.

## **Weekly Report – 08/04/2017**

### **Region 3**

#### **Hot Issues**

#### **Allegheny County Health Department (ACHD) initiates process to voluntarily withdraw delegation of Risk Management Program**

By letter dated July 28, 2017, the Allegheny County Health Department (ACHD) notified Region III that ACHD plans to voluntarily withdraw from EPA's delegation of authority to enforce the chemical accident prevention provisions set forth at 40 C.F.R. Part 68. This notification initiates the formal 180-day process of transferring the compliance monitoring and enforcement responsibilities, which are currently delegated to ACHD, for the CAA § 112(r) Risk Management Program (RMP), back to EPA Region III. As explained in the notification, ACHD is initiating this process due to lack of resources. Region III directly implements compliance monitoring and enforcement of RMP in all other parts of the Commonwealth of Pennsylvania. There are 16 facilities located in Allegheny County that have submitted risk management plans to EPA. We will continue to work with ACHD during the 180 day process and provide assistance when appropriate.

#### **\$303.4 Million for 36 Water Quality Improvement Projects in Maryland**

On July 20, 2017 the Maryland Department of the Environment (MDE) received its FY 2017 Clean Water State Revolving Fund (CWSRF) award, including \$32,066,000 in federal funds and \$6,413,200 million in state match. This grant further capitalizes MDE's CWSRF Program and will be combined with repayments from prior loans, interest earnings on fund deposits, and \$150 million in bond proceeds for a total of approximately \$303.4 million in available funding this year. The CWSRF program provides low interest loans for the construction of wastewater treatment facilities, non-point source and estuary projects that are vital to protect and improve water quality in our nation's rivers, lakes, and streams for drinking water, recreation, and natural habitat. Some of the noteworthy projects to be financed this year include: \$86.6 million for a bio-energy project at Baltimore's Piscataway wastewater treatment plant; \$46.7 million for the City of Baltimore's Stormwater/MS4 Permit program; \$73.7 million to Baltimore City and County for improvements to the Back River wastewater treatment plant; \$54.8 million for 20 sewer collection system improvements; and \$15 million for the (Maryland) State Department of Housing and Community Development to promote energy efficiency in homes to reduce atmospheric deposition to the Chesapeake Bay.

**\$24.8 Million to Fund Water Quality Improvement Projects in the State of West Virginia** On July 20, 2017 the West Virginia Department of Environmental Protection (WVDEP) received its FY 2017 Clean Water State Revolving Fund (CWSRF) award, including \$20.6 million in federal funds and \$4.1 million in state match. This grant further capitalizes WV DEP's CWSRF program and will be combined with repayments from prior loans and interest earnings on fund deposits. The program provides a long-term source of financing for the construction of wastewater treatment facilities, non-point source and estuary projects, and other water quality management activities. More specifically, WV DEP will fund projects replacing and rehabilitating deteriorating sewers, and extending service to underserved communities. Projects supported by the CWSRF this year are vital to protect and improve water quality in our nation's rivers, lakes and streams for drinking water, recreation, and natural habitat.

#### **Region 3 Issues Record of Decision for BoRit Asbestos Superfund Site, Montgomery County, Pennsylvania**

A Record of Decision (ROD) for the BoRit Asbestos Superfund Site was signed on July 28, 2017. The ROD incorporates work that was completed at the Site as a removal action, which generally consisted of covering the asbestos-containing wastes, soils, and reservoir sediments with geotextile and a minimum of 2 feet of clean material. The selected remedy also requires confirmation sampling, long-term monitoring, routine inspections, operations and maintenance, and institutional controls. EPA considered public input received during the 90-day comment period in selecting this remedy. The Site team began notifications regarding ROD availability on August 2, 2017. A press release was distributed to Philadelphia media on August 2, 2017. Additionally, the Site Team has notified the Site parcel owners, the Townships, the BoRit Community Advisory Group (CAG), members of the Site's e-mail list, and all those who submitted comments on the proposed plan. Approximately 125 postcards will be distributed to homes in West Ambler, the area closest to the Site, during the week of July 31, 2017. Site team members will attend the next scheduled BoRit CAG meeting on August 3, 2017 to provide an update on the ROD and next steps.

### **Upcoming Public Events**

#### **Brownfields Grant Announcement, Pittsburgh, Pennsylvania**

On August 4, 2017, Acting Regional Administrator Cecil Rodrigues will announce the selection of the North Side Industrial Development Company (NSIDC) for a \$600,000 Brownfield Assessment Grant to address hazardous and petroleum contaminated sites. This event is being held at the *Foundry at 41<sup>st</sup>*, a \$35 million new luxury residential complex built on former Brownfield foundry site in the Lawrenceville neighborhood of Pittsburgh. With this additional \$600,000 grant, NSIDC will have received a total of \$5.6 M in EPA Brownfields Assessment grant funding since their initial award over ten years ago.

#### **Conowingo Meeting and Press Event**

Acting RA Rodrigues will be attending a summit and press conference hosted by Governor Hogan on August 8, 2017. Both meetings are to discuss the Conowingo Dam and the importance of finding a holistic approach to resolving the nutrient buildup behind the dam.

### **Past Events**

None to report at this time.

*Hot Issues*

## Ex. 5 - Deliberative Process

***Ensystex, II Imports Matter – ENFORCEMENT CONFIDENTIAL***

Key Message: EPA Region 4 recommended a Stop Sale, Use or Removal Order (SSURO) to allow Ensystex, II to relabel a Federal Insecticide, Fungicide, and Rodenticide Act noncompliant imports shipment and achieve compliance. On July 19, 2017, Region 4 submitted a request to the Office of Enforcement and Compliance Assurance to expedite a decision to proceed with the issuance of the SSURO.

- **(Update)** A for cause inspection of the shipment was conducted at the Port of Savannah on July 25, 2017.
- **(Update)** The SSURO was issued on Thursday, July 27, 2017.

***Oak Ridge Reservation (U.S. DOE, Oak Ridge, TN)***

Key Message: A Senior Executive Committee (SEC) was held July 27<sup>th</sup> in Nashville, Tennessee with EPA, DOE, and TDEC.

- SEC members agreed to jointly work on identifying the characterization needed to move forward with a proposed plan. The parties also agreed to identify ARARs, and complete waste acceptance criteria modeling.
- A video teleconference will be held the week of August 22<sup>nd</sup> amongst the SEC members to review the progress made. The SEC dispute resolution period was extended to August 30<sup>th</sup>.

**Upcoming Public Events**

None this week

**Upcoming Major Decisions**

***Mississippi Phosphates Corporation Site (Pascagoula, MS)***

Key Message: A request for a ceiling increase for the continuation of Time Critical Removal Action has been drafted and will be submitted to HQs for approval.

- Due to heavy rainfall, both the surge capacity and freeboard requirement have been drastically affected, and maintaining a minimum site-wide freeboard of 2.25 feet and surge capacity of 10.2 inches have been difficult.
- The increased amounts of waste water to be treated have impacted the burn rate of current funding.

It is anticipated that current funding will be exhausted by November 1<sup>st</sup>. Additional funding is needed to continue stabilization activities at the site through September 2018.

- The increase of \$12M will bring the total project ceiling to \$25M (\$22M funded through the Regional Removal Allowance).

**Last Week Highlights**

None this week.



**Weekly Report – 08/04/2017**  
**Region 5**

**Hot Issues**

**Sheboygan Ozone Options in Development for Administrator Visit in August**

Key Message: Region 5 is working with OAQPS on ozone nonattainment designation relief for Sheboygan County, Wisconsin.

Region 5 is coordinating with OAQPS to develop a plan that would offer relief to Sheboygan County from ozone nonattainment requirements.

Sheboygan County, Wisconsin is heavily impacted by ozone transport from upwind areas. The nonattainment designation is viewed as a barrier to economic development in the county. Region 5 and OAQPS are evaluating various options that would adjust the nonattainment boundaries to lessen the impact of the nonattainment designation.

**Region 5 to Announce Intent of Local Group to Apply for a Technical Assistance Grant for USS Lead Superfund Site**

Key Message: Region 5 will publish a newspaper ad notifying the public that an East Chicago, Indiana community group intends to apply for a Superfund technical assistance grant for the USS Lead site. During the week of Aug. 7, Region 5 will publish an ad in the Northwest Indiana Times announcing that it has received a letter of intent from the East Chicago/Calumet Coalition Community Advisory Group to apply for an EPA Technical Assistance Grant (TAG) for the USS Lead Superfund site. A Technical Assistance Grant helps communities participate in Superfund cleanup decision-making. It provides funding to community groups to contract their own technical advisor to interpret and explain technical reports, site conditions, and EPA's proposed cleanup proposals and decisions. TAGs provide up to \$50,000 (with 20 percent cash or in-kind contribution from the grant recipient) to hire an advisor and to share that information with the rest of the community. Since only one grant is awarded per site, other local groups affected by this Superfund site are encouraged to consolidate efforts with the coalition. They may also separately apply for the grant. After publication of the ad, other groups have 30 days to contact the coalition or file a letter of intent to apply for the grant.

**SO2 Designation Proposals Due August 14, 2017**

Key Message: Region 5 to propose five SO2 nonattainment areas in 120-day letters.

After working closely with OAR, Region 5 will propose five nonattainment areas. The region is proposing two areas as nonattainment in Indiana, one in Minnesota, one in Ohio, and one in Wisconsin. It is expected that the number of nonattainment designations that will be finalized by December will drop to three: two in Indiana and one in Ohio. Actions being taken in Minnesota and Wisconsin are expected to enable these areas to avoid a final nonattainment designation.

All Region 5 state air directors have been notified of these proposed designations. Indiana and Ohio have expressed concern with the nonattainment proposals in their states and are expected to elevate. The 120-day letters that precede designations are expected to be signed by Regional Administrators on August 14, 2017. Final designations are required, by consent decree, to be completed no later than December 31, 2017.

**Region 5 Working with Wayne County to Provide Assurances for McLouth Steel Site in Trenton, Michigan**

Key Message: Wayne County seeks liability assurances/clarifications for former McLouth Steel redevelopment

Over the past year, EPA Region 5 has been working with the city of Trenton, Wayne County,

Congresswoman Dingell's Office and others in an effort to provide liability clarification and assurances to future developers of the former steel mill. Following bankruptcy in 1996, the 250-acre property has undergone several failed redevelopment attempts and is currently being evaluated for inclusion on the Superfund National Priorities List. Within the last two months Wayne County issued a request for qualifications, seeking a master developer for the site. Proposals were evaluated by representatives from the city of Trenton and the Wayne County Land Bank. A developer was selected on July 25. Wayne County is currently negotiating a development agreement with the chosen entity.

On July 31, Region 5 received a letter from Wayne County informing the Agency of the property's current status. The county also requested information regarding the environmental conditions at the site, relevant regulatory provisions applicable to the property, reasonable steps that could be taken which would qualify a future owner as a Bona Fide Prospective Purchaser of the property and any assurances regarding future liability. Region 5 is currently acting on the county's requests and will respond prior to the property transfer date of September 15, 2017.

### **On August 10, 2017, GLNPO Plans to Announce the Discovery of a New, Non-Native Aquatic Species Found in Lake Erie**

Key Message: GLNPO has confirmed the presence of a new, non-native species in the western basin of Lake Erie.

EPA and Cornell researchers have identified a non-native zooplankton, *Brachionus leydigii*. Only one specimen has been found. According to the U.S. Fish and Wildlife Service, the ecosystem risk from *B.s leydigii* is uncertain due to lack of documented introductions of this species. There is little or no evidence to support *B. leydigii* having the potential for significant environmental or socio-economic impacts.

GLNPO has already notified Office of Water staff that oversee the Vessel General Permit program. Region 5 Office of External Communication has also provided a draft announcement to HQ Public Affairs. Outreach during the announcement period will include: pre-notification of USCG and Trans Canada, state briefings, congressional notifications, and an announcement on the Great Lakes Information Network listserve. The announcement and FAQs will also be posted on EPA's Great Lakes Monitoring web page and the detection will be entered into official (publicly internet-accessible) non-native species tracking database.

### **Upcoming Events**

None

### **Upcoming Major Decisions:**

None

### **Past Week Accomplishments:**

#### **Region 5 Attended Riverfront Park Dedication in Rock Falls, Illinois on July 26**

Key Message: The former brownfields site has been redeveloped into a centerpiece of the community featuring a riverfront park, hotel, and amphitheater.

On July 26, 2017, representatives from Region 5 and IEPA attended a dedication ceremony for a riverfront park, amphitheater and Holiday Inn on the former RB&W site. To date, the site has seen over \$8 million in leveraged development funding and the creation of 30 jobs.

The former Russel, Burdsell and Ward (RB&W) Nut and Bolt Company site, a.k.a. Reliant Fasteners, was closed in 2003. In July 2004, the mayor of Rock Falls contacted EPA and expressed concerns about the now-abandoned site. A removal assessment resulted in containerization and stabilization actions, as well as the securing of the site. In June, 2006, Rock Falls received two Brownfields Cleanup grants. However, about six months later, while development of a cleanup planning was underway, a fire erupted

in the main building and spread to nearly all 31 buildings on the site. A second removal action was initiated to evaluate the contaminated fire debris. Due to the threat of asbestos migrating into the surrounding neighborhood, portions of the building were demolished and debris removed. Rock Falls successfully completed the demolition and remaining cleanup work and began marketing the cleaned up site. The city completed a redevelopment plan for the river corridor, which included multi-use structures and public spaces. Press coverage can be viewed [here](#).

### **New Castle, Indiana Mayor Praises Region 5 After Successful Completion of Asbestos Removal**

Key Message: Region 5 completed a three-month asbestos removal, allowing the city to explore redevelopment options.

After a three-month removal action was completed on-time and under budget, the mayor of New Castle praised EPA's response, saying "If it wasn't for the EPA this wouldn't have been possible. The EPA lived up to everything they said they would do."

In 2012 a fire broke out at the 9.3-acre former industrial site leaving behind 22 piles of asbestos contaminated debris. Due to the scrap metal on-site, trespassing was a common occurrence despite the city's efforts to secure the site. Given the health and security concerns, the Indiana Office of Community and Rural Affairs contacted EPA on behalf of the city in 2013. Once the property was deeded to the city in 2015, EPA began to assess the site and developed a cleanup plan which began in April 2017. The three-month cleanup included: removal and disposal of 6,000 tons of asbestos-contaminated material, disposal of storage tank contents, removal of the storage tanks, site decontamination, and air-monitoring. Press coverage can be viewed [here](#).

### **EPA Attended the Michigan Integrated Pest Management Alliance Tour July 18-20**

Key Message: Participants from EPA Headquarters and Region 5 met with growers impacted mainly by invasive insects, including the spotted wing drosophila (SWD) and the brown marmorated stink bug. The tour gave EPA the opportunity to hear directly from the growers. Some of the concerns that were expressed by both the growers and researchers were in regards to invasive species; compliance; and the availability of effective insecticides, fungicides, and antibiotics.

Throughout the tour, emphasis was placed on the impacts the SWD has had on specialty crops in Michigan, such as blueberries, strawberries, raspberries, and cherries. Growers and MSU researchers stated that the SWD has the potential to wipe out these specialty crops if a solution to growing pest pressure is not identified. In order to manage the SWD, growers have had to abandon integrated pest management programs and practices and resort to increased insecticide applications.

**Weekly Report – 08/04/2017**  
**Region 6**

**Upcoming Hot Issues and Important Deadlines**

**Denka, LaPlace, Louisiana**

Region 6 plans to issue a report describing the ambient air monitoring activities in LaPlace, Louisiana on August 11, 2017. The monitoring program was begun in May, 2016 in response to the National Air Toxics Assessment to determine chloroprene concentrations in the ambient air in the neighborhoods surrounding the Denka Performance Elastomer LLC Facility. All communications is being coordinated with the Parish President.

**Tar Creek, Picher, Oklahoma**

Region 6, Office of the Administrator, Office of Water, Office of Land and Emergency Management and Office of International and Tribal Affairs officials will tour the Tar Creek site and meet with Quapaw Tribal Chairman Berrey and other tribal members on August 14, 2017. EPA recently awarded \$4,896,088 in financial assistance to the Quapaw Tribe of Oklahoma. The tribe will use the funds to continue remediating contaminated soils from tribal lands. The tour and subsequent discussion will highlight the partnership EPA has with the Quapaw Tribe and provide an opportunity for the Quapaw to illustrate the remediation work they have performed since signing a Cooperative Agreement with the Agency in October, 2012.

**Bird Creek, Pawhuska, Oklahoma; Warren American Oil Company, LLC, Jireh Resources, LLC and Novy Oil and Gas, Inc., Osage County, Oklahoma**

Region 6 intends to issue three public notice documents soliciting comments on proposed Administrative Orders against Respondents, Warren American Oil Company, LLC, Jireh Resources, LLC., Warren American and Novy Oil and Gas, Inc. the week of August 7, 2017. These Proposed Administrative Orders require the Respondents to shut-in injection of select injection wells located on the Osage Mineral Reserve in Osage County, Oklahoma. The Proposed Administrative Order alleges that the Respondent violated regulations at 40 C.F.R. §§ 147.2912(c) and 147.2920(d) by failing to confine injected fluids to the authorized injection zone. Comments will be solicited for 30 days from the date of the notice.

**Many Diversified Interest (MDI), Houston, Texas**

Region 6 plans to send a comfort letter to Geo Tech Environmental Incorporated on August 10, 2017. The comfort letter concerns the National Vinegar property located adjacent to the MDI Superfund Site. Land developers intend to build homes where the National Vinegar property was located.

**Extreme Metal Finishing, Emory, Texas**

Region 6 plans to complete a waste profile sampling during the week of August 7-11 and place an action memorandum in concurrence for the Extreme Metal Finishing site. The Texas Commission on environmental Quality (TCEQ) requested EPA conduct a removal at the site which was recently referred to the TCEQ Removal Program from the TCEQ Enforcement Division. The Texas Office of the Attorney General determined that enforcement efforts were exhausted at the site.

**Chevron Questa Mine, Questa, New Mexico**

- Region 6 intends to issue Chevron Mining, Inc., a Cost Recovery Demand/Bill for Collection during the week of August 7-11. The amount of the collection is \$901,970.97 for response costs covered under administrative settlement agreement and orders on consent for removal and early design actions.

- Region 6 Division Directors of the Superfund and Water Divisions anticipate signing an interim response to Chevron Mining's request to transfer all jurisdiction over discharges to the CERLA program (and terminate NPDES permit) the week of August 7, 2017. The response would acknowledge the request which is under review and recommend that Chevron reapply for the NPDES permit in a timely manner to ensure continues authorization of discharges after the NPDES permit expires October 2108.

#### **Bayou Sorrel, Iberville Parish, Louisiana**

Region 6, in coordination with the Louisiana Department of Environmental Quality (LDEQ) and the Bayou Sorrel Steering Committee Chairman, plans to meet with Iberville Parish officials and conduct a site update and tour on August 9, 2017. The update and tour enables parish officials to stay informed, and also aids with preparation for the upcoming Five-Year Review. The Iberville Parish President Mitchell Ourso, District 10 Representative Louis "Pete" Kelley, and Parish Environmental Services Manager John Clark plan to participate in the tour.

#### **Ector Drum, Odessa, Texas**

Region 6 intends to send additional *information request letters* during the week of August 7-11 to 11 companies to obtain information on the number of drums and their contents that were sent to Ector Drum Superfund Site in Odessa, Texas.

#### **Wilcox Oil, Creek County, Oklahoma**

Region 6 intends to send a follow-up *information request letter* during the week of August 7-11 to Kinder Morgan to obtain additional information about the liquidation trust.

#### **Eagle Industries, Midwest City, Oklahoma**

Region 6 intends to mail an additional *104(e) information request* to the owner of the site during the week of August 7-11. Past attempts to send a 104(e) letter have been unsuccessful. The Region also intends to send a General Notice Listing to the owner to coincide with the proposal of the site to the NPL.

#### **Oxea Bay City, Bay City, Texas**

Region 6 is sending an *information request letter* to Oxea Bay City in Bay City, TX to evaluate remedies for potential noncompliance concerning the facilities' flare operations. Emissions from improperly operated flares are a large source of air toxics and pose a risk to public health. The facility has a history of noncompliance related to flaring. Region 6 plans to issue the information request letter on August 21, 2017. The Region has notified TCEQ about our issuance of the letter.

#### **Dow Chemical, Beaumont, Texas**

Region 6 is sending an *information request letter* to the Dow Chemical facility in Beaumont, TX to evaluate remedies for potential noncompliance concerning the facilities' flare operations. Emissions from improperly operated flares are a large source of air toxics and pose a risk to public health. The facility has a history of noncompliance related to flaring. Region 6 plans to issue the information request letter on August 28, 2017. The Region has notified TCEQ about our issuance of the letter.

#### **Pueblo of Nambe, Santa Fe County, New Mexico**

On August 9, representatives of the Air Enforcement Branch will be meeting with the Pueblo of Nambe to provide technical assistance in understanding the operations associated with a pyrolysis unit constructed by Monarch Waste Technologies, L.L.C. on tribal land. Monarch plans to operate a

commercial pyrolysis unit that must meet NSPS Subpart Ec requirements for Hospital/Medical/Infectious Waste Incinerators.

**Williams Four Corners LLC – Los Mestenos Compressor Station, Four Corners, New Mexico**

Region 6 is issuing the final title V Operating Permit for the Williams Four Corners (WFC) LLC – Los Mestenos Compressor Station. The EPA prepared a draft permit and held a public comment period from June 9th through July 10th 2017. EPA also offered the public an opportunity to request a public hearing. No public comments or requests for public hearing were received during the comment period. This compressor station is located on Jicarilla Apache tribal lands. There are no new construction activities associated with the renewal of this final title V operating permit. This title V permit is scheduled to be signed by the EPA Region 6 Multimedia Division Director on August 8, 2017, and is effective immediately upon signature.

**NEPA**

**Mississippi River at Barfield (River Mile 811R AHP), Mississippi County, Arkansas**

Region 6 intends to issue a comment letter to the U.S. Army Corps of Engineers regarding the Mississippi River at Barfield (River Mile 811R AHP) Draft EA/FONSI on August 9, 2017. The USACE has prepared the Draft EA to evaluate impacts associated with the proposed construction of five bendway weirs along the right descending bank of the Mississippi River near Barfield at River Mile 811R above head of passes (AHP) in Mississippi County, Arkansas. The purpose of this project is to create a safer navigation channel for towboats in the Mississippi River by reducing the strong drafting currents that presently exist at this location. Continued towboat navigation through this hazardous Mississippi River bend increases the risk of an accident. Barges could break loose and block safe navigation of the river. If hazardous or toxic materials are involved, serious concerns for public safety, including adverse environmental impacts could arise.

**New Orleans to Venice Hurricane Protection, New Orleans, Louisiana**

Region 6 EPA intends to issue a comment letter to the U.S. Army Corps of Engineers regarding the New Orleans to Venice Hurricane Protection Draft EA on August 10, 2017. The USACE has prepared the Draft EA to evaluate the potential impacts associated with proposed modifications to the required right of way (ROW) for the approved New Orleans to Venice Non-Federal Levees (NFL) and the New Orleans to Venice (NOV) Federal Hurricane Protection Levee (HPL) projects. The purpose of the proposed action is to assess impacts from utilizing the proposed new ROW for the NFL NOV levees and to compensate for habitat losses incurred during construction of the overall NFL NOV project.

**Dallas to Houston High Speed Rail, Texas**

Region 6 intends to issue a comment letter to the Federal Railroad Administration regarding the Dallas to Houston High Speed Rail Preliminary Draft EIS on August 11, 2017. The FRA is preparing an EIS to assess the potential beneficial and detrimental effects of implementing the proposed Dallas to Houston High-Speed Rail Project. The EIS documents FRA's evaluation of Texas Central High-Speed Railway's, LLC and its affiliates' proposal to construct and operate a 240-mile, for-profit, high-speed passenger rail system connecting Dallas and Houston using the Japanese N700 Tokaido Shinkansen technology. The purpose of the privately proposed project is to provide the public with reliable and safe high speed passenger rail transportation between Dallas and Houston. This is a non-issue.

**Upcoming Public Events**

August 3 – Texas Environmental Law Superconference, Austin, Texas. Acting RA will keynote.

August 8 – State Environmental Directors' Meeting, Dallas, Texas

September 11–13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest

information on air quality forecasting and mapping.

September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

October 27 – Arkansas Environment Federation 50<sup>th</sup> Annual Convention, Hot Springs, AR. Acting RA will keynote.

### **Upcoming Decisions**

#### **Quapaw Tribe of Oklahoma, Oklahoma**

Region 6 plans to approve The Quapaw Tribe of Oklahoma's application for Treatment as a State (TAS) for Clean Air Act (CAA) authority on Tribal lands in Oklahoma and Kansas. The Tribe seeks authority for the following non-regulatory programs:

- \* CAA §105 – allows Tribe to apply for funding at a reduced match of 5%
- \* CAA §107(d)(3) – EPA notice to Tribe for re-designation process participation
- \* CAA §126 (a) & (b) – State notice to Tribe of new or modified sources; ability to petition
- \* CAA §505(a)(2) – State notice to Tribe of certain operating permits within 50 miles

The 30-day public comment period on the proposed application closed on March 17, 2017. No comments were received. EPA has drafted the Decision Document for Regional Administrator approval from EPA Regions 6 (acting, Sam Coleman) and 7 (acting, Edward Chu). Region 6 is coordinating the approval process and will provide for state and congressional notifications.

#### **Los Alamos National Laboratory (LANL), Los Alamos, New Mexico**

Region 6 plans to sign a denial of the Concerned Citizens for Nuclear Safety (CCNS) petition to terminate Outfall 051 from LANL's NPDES permit NM0028355 the week of August 7, 2017. The petition alleged that since LANL does not normally discharge from this outfall, continued authorization under the NPDES permit improperly provides an exemption from regulation under RCRA. Regional Counsel has prepared a response letter denying the petition on the basis that 1) LANL, in their application, requested coverage for Outfall 051 because under certain circumstances discharges would occur; 2) discharges from the outfall, should they occur, would violate the Clean Water Act unless the NPDES permit authorized such discharges; 3) EPA has no clear regulatory basis for termination of the outfall; and; 4) the fact that there is a RCRA exclusion related to discharges covered by an NPDES permit would not justify denial of permit authorization for anticipated discharges that would be illegal without NPDES permit authorization. This action would also resolve overdue control R6-17-000-8572.

#### **Texas Regional Haze**

Region 6 is preparing final briefings for the Administrator on a Texas Regional haze Intrastate Trading Program BART SIP. EPA is using all available resources to develop the Federal Action by September 9. EPA has a September 9 CD deadline that requires EPA to finalize.

### **Past Week Accomplishments**

None.

### **Pending Actions (Pending Federal Register Publication)**

Arkansas Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program (EPA-R06-0680)

**Weekly Report – 08/04/2017**  
**Region 7**

**Hot Issues**

**Information Requested from MDNR on Kennett, Missouri NPDES Permit**

Key Message: On July 31, 2017, EPA R7 sent a letter to the Missouri Department of Natural Resources requesting additional information regarding the Kennett Wastewater Stabilization Lagoon Draft National Pollutant Discharge Elimination System Permit.

- The draft permit, placed on public notice June 30, 2017, did not take into account the waste load allocations provided in the total maximum daily load issued for the stream to which the city discharges their treated wastewater.
- The Clean Water Act and its implementing regulations require effluent limitations consistent with the assumptions and requirement of the available waste load allocation established by the TMDL.
- The information request, submitted pursuant to 40 CFR 123.44(d), will allow EPA to better understand the state's basis for the terms of the draft permit.
- This request stops the permit from being issued until such time as satisfactory answers are provided.

**Last Week's Highlights**

**Cass Ave Asbestos Response Update (St. Louis, MO)**

Key Message: On July 28, 2017, EPA R7, the PRP, members of the mayoral staff from St. Louis City, and the St. Louis City Health Department met to discuss the ongoing cleanup activities from the July 12, 2017 Clemens Fire in St. Louis.

- EPA continues to conduct ambient air sampling and oversight of PRP contractors during the removal of debris.
- The PRP indicated that removal of debris activities should be completed by August 4.
- The PRP has submitted a sampling plan to confirm that asbestos has been removed to a level indicating no additional health risks are expected for the areas affected by the fire. EPA is currently reviewing this proposed plan.

**Sporlan Valve Site Vapor Intrusion Assessment (Washington, MO)**

Key Message: This week EPA staff is conducting sampling of indoor air and soil at the former Sporlan Valve facility and adjacent properties in Washington, MO.

- The facility was recently subject to an Administrative Settlement Agreement and Order on Consent, but the responsible party has indicated that they lack the funds necessary to complete the agreed removal activities.
- EPA is conducting additional assessment activities to determine the next steps in address remaining contamination at the site.

**Update on Toastmaster Site (Macon, MO)**

Key Message: EPA has engaged the current site owner, Compton's, to conduct vapor mitigation activities within the Toastmaster facility which is addressed in a signed ASAOC.

- On April 19, 2017, Compton's submitted a work plan to add vapor mitigation units to reduce the concentrations of TCE in the indoor air. Recently, indoor air samples obtained at adjacent properties have shown elevated levels of TCE.
- EPA R7 recently conducted sampling of the ambient air and collected samples from the discharge locations of the operating mitigation systems from the Toastmaster facility.



- EPA is setting up a Regional Decision Team meeting with EPA and ATSDR staff on August 4 to discuss the next steps.
- EPA continues to negotiate a second ASAOC with the former owner Spectrum Brands to delineate the source and plume of TCE contamination and to recommend removal alternatives.

### **Running Fox Site Clean-up Status (Vernon County, MO)**

Key Message: EPA met with MDNR and responsible party representatives earlier this week to discuss the ongoing oil spill cleanup at the Running Fox Site in Vernon County, MO which impacts both Missouri and Kansas.

- The responsible party has completed flushing operations and small amounts of oil remain in/near a creek. Plans for this week include continued removal of remaining pooled oil, scraping the area adjacent to the creek, and ongoing sheen management in the creek.
- Work is expected to conclude this week or early next week. EPA, MDNR, and possibly KDHE will meet onsite next week for final inspection.

### **Des Moines TCE Five-Year Review Site Visit & Meeting**

Key Message: On Thursday, August 3, EPA will be holding a site visit and meeting at the Des Moines TCE Site to discuss progress and challenges at the site since the previous five-year review. The meeting includes representatives from EPA, IDNR, USACE, and the PRP.

### **Superfund Outreach: Former Lead Smelter and Clean-up Activities**

Key Message: On July 28- 31, 2017, EPA R7 and ATSDR staff from Kansas City and Atlanta reached out to the public to increase awareness of lead clean-up at the Former United Zinc smelting facility and provide health-related support to residents in Iola, KS.

- Staff reached several hundred residents through door knocking and outreach at the Allen County Fair. Residents were provided:
  - Data for their property (gathered from historical sampling in the area)
  - Access agreements for those interested in having their property tested
  - Opportunities to make appointments for lead screening by ATSDR at the local high school.

### **Joint Lead, Asthma, Indoor Air, Energy Conservation Education for Disadvantaged Population**

Key Message: On August 5, 2017, EPA R7 staff will participate in a back to school event organized by the Kansas City Kansas Community College, serving approximately 50,000 children.

- EPA will provide community members with information to assist in identifying hazards within their home environment, steps to address those concerns, and information regarding resources available in the area.
- Subjects addressed include: allergens/asthma, asbestos, lead, mold/moisture, insects/rodents/pesticides, weatherization/energy conservation, radon, waste reduction and recycling.
- Planning and staffing of this event has been done through a collaboration between small programs within the R7 office to leverage resources and improve efficiency in outreach planning.

### **KDHE Advance Surface Water Conference**

Key Message: On August 1-4, 2017, the Kansas Department of Health and Environment is sponsoring the 98th Annual Water and Wastewater Operators School & Examinations at the University of Kansas.

- The school will have presentations on plant operations for water and wastewater operators of

municipal water plants.

- KDHE has requested that R7 expert Ken Deason speak on the “Long-Term Revisions of the Lead and Copper Rule”.
- The audience will be surface/ground water system operators within the state of Kansas.

### **R7 Meeting with Kansas Rural Water Association**

Key Message: On August 11, 2017, the R7 drinking water program and enforcement representatives plan to meet with the Kansas Rural Water Association.

- The focus of the meeting, requested by KRWA, is to discuss KRWA’s recent involvement at water systems in Kansas where EPA has initiated enforcement under the Safe Drinking Water Act.
- Based on information EPA R7 has received from several water systems, KRWA may be advising the systems to not sign compliance orders on consent with R7 to address outstanding SDWA non-compliance.
- KRWA has recently published articles in their quarterly on-line magazine critical of R7’s efforts to seek SDWA compliance at some noncompliance systems.
- EPA’s goal for the meeting is to better understand KRWA’s actions and approach, and attempt to establish a more collaborative working relationship with KRWA.

**Weekly Report – 08/04/2017**  
**Region 8**

**Hot Issues**

None.

**Upcoming Public Events**

None.

**Upcoming Major Decisions**

**Addressing Air Quality Issues on Uintah and Ouray Reservation**

Key Message: **(Decision needed from OA – first reported 7/27)** Region 8 is ready to begin working on an Advanced Notice of Proposed Rulemaking for a proposed FIP for the U&O Reservation to address concerns raised by several industry representative and the Ute Tribe.

- Industry representatives and the Ute Indian Tribe have emphasized the need for EPA to develop a mechanism to allow EPA to continue to issue minor source permits after nonattainment designation.
- On June 1-2, 2017, EPA R8 met with several industry representatives and the Ute Indian Tribe to discuss options to allow energy production to continue post-nonattainment designation, while also ensuring that new/modified sources do not cause or contribute to ozone exceedances.
- Industry representatives suggested the Advanced Notice of Proposed Rulemaking approach to allow specific comments from stakeholders and to give EPA an opportunity to make revisions prior to formal proposal. The Tribe is supportive of the approach.
- On July 12, 2017, Sarah Dunham and Mandy Gunasekara were briefed on options for moving forward including the Advanced Notice of Proposed Rulemaking. We are awaiting a decision.
- This is time sensitive given the time it will take for the ANPR, proposed FIP and final action.

**Wyoming Revised Water Quality Standards for Recreation Use**

Key Message: **(Decision needed from OA – first reported 7/27)** Region 8 is preparing to take action on Wyoming's revised water quality standards in August.

- Region 8 is finalizing an action letter and decision rationale to approve most of Wyoming's proposed waterbody reclassifications from primary to secondary contact recreation (>99% of proposed waterbody reclassifications) with disapproval of 10 waterbody reclassifications (<1%).
- OST, ORC, and OGC concur on Region 8's proposed actions.
- A briefing was provided to OW senior leadership (including Sarah Greenwalt) on July 13, and we are awaiting a decision.

**Montana Regional Haze Final Federal Implementation Plan (FIP) Revision**

Key Message: Region 8 plans to send the final Montana Regional Haze FIP revision package forward for the Administrator's signature the week of August 14, 2017.

- The Montana FIP revision relaxes a NOx emission limit for one cement kiln to more accurately reflect the removal efficiency of required NOx control equipment and corrects two errors in the 2012 FIP (an error regarding the reasonable progress determination for a compressor station and an error related to the compliance procedures for the BART sources).
- Region 8 received generally supportive public comments from Montana DEQ, NorthWestern Energy (the compressor stations that will benefit from one of the error corrections), and Oldcastle (owner/operator of the cement kiln).
- Oldcastle's comments expressed disagreement with some aspects of EPA's approach to setting

the proposed emission limit.

- Region 8, OAQPS and OGC recommend the FIP be finalized as proposed in April 2017.
- The revision needs to be signed by late August in order to be effective prior to Oldcastle's compliance deadline of October 18, 2017.

### **Last Week Highlights**

#### **Denial of American Gilsonite's Aquifer Exemption Request**

Key Message: On July 28, 2017, Region 8's Underground Injection Control Program issued a decision to deny an Aquifer Exemption (AE) requested for a Class V deep disposal well owned by American Gilsonite Corporation (AGC) near Bonanza, Utah.

- The EPA took this action because AGC did not provide an adequate technical demonstration that fluids injected into the Birds Nest Aquifer (BNA) from mine de-watering would remain within the portion of the aquifer requested to be exempted.
- Without this demonstration, an AE would not be adequate to prevent endangerment of adjacent USDWs or to comply with the prohibition of fluid movement into a USDW at 40 CFR Part 144.12. Consequently, it would be inappropriate for the EPA to remove the protection of SDWA from this portion of the BNA.
- Region 8 notified AGC and its legal counsel, Utah Senator Mike Lee's staff, and the Utah UIC program contacts of its decision.
- AGC informed the EPA that it is considering an appeal of EPA's decision. The appeal would go to the 10<sup>th</sup> Circuit Court of Appeals.

**Weekly Report – 08/04/2017**  
**Region 9**

**Hot Issues**

1. **Anaconda:** NV DEP Director Greg Lovato more formally sought NPL Listing deferral via correspondence to us. This was a planned step in our ongoing joint development of draft agreements among EPA, NDEP, BLM, two tribes and BP/Atlantic Richfield.
2. **CAA ozone:** next week, I'll sign a Federal Register notice making a Finding of Failure to Submit for the 2008 8-hour ozone plan for the Sacramento nonattainment area. Our notice will settle a recent Center for Biological Diversity lawsuit. California's draft ozone plan for the Sacramento area is now in public review and will be submitted to us later this year.
3. **Federal Facility dispute:** next week I'll convene a dispute resolution meeting with the US Air Force and two California agencies regarding the Edwards AFB NPL site, and applicable levels of PCE clean-up. California is concurrently promulgating a new set of contaminant cleanup levels, which should be public-noticed shortly and finalized about six months hence.

**External Engagement**

1. **California Agricultural Commissioners:** next Thursday, we're hosting an all-day meeting of over 58 California agricultural commissioners, as part of quarterly engagement with CA Dept. of Pesticide Regulation executives and these local partners. We look forward to Nancy Beck and Rick Keigwin joining us in person.
2. **Nevada stormwater:** also next Thursday, our NV Dept. of Transportation colleagues will discuss the innovative CWA stormwater practices they're implementing, and the unanticipated benefits of having invested in their stormwater program. NDOT was subject to a 2011 EPA audit which found widespread noncompliance. We put in place a consent decree, which led to NDOT making their program one of the best in the country. They'll discuss use of Unmanned Aerial Vehicles, enterprise asset management systems, and real-time water-quality monitoring.
3. **EPA Lab:** our acting DRA, Deborah Jordan, and Lab Director Peter Husby will tour the ORD Corvallis lab in anticipation of future R9/ORD partnership at this facility, part of our 2019 R9 lab relocation and downsizing.

**Past Week's Highlights**

1. **San Diego:** we issued a joint EPA/State CWA permit for the San Diego (Pt. Loma) wastewater treatment plant, which operates under a CWA 301h variance from secondary, but achieves a very high level of treatment and effluent quality. San Diego is investing in increased water reuse/recycling, which will significantly reduce effluent loading to the plant and eventually achieve full secondary without the variance. We continue to prepare with HQ for the Administrator's possible visit to San Diego/Mexican Border, and note the Imperial Beach's mayor intent to sue the IBWC for transboundary wastewater flows.
2. **North Las Vegas:** we resolved the City's longstanding noncompliance with CWA pretreatment requirements, still under EPA direct oversight and not state-delegated. The city will pay a \$192 K fine and better protect its waste water treatment plant, as well as discharge improved effluent to Las Vegas Wash, Lake Mead and the Colorado River.

**Weekly Report – 08/04/2017**  
**Region 10**

**Hot Issues**

**Idaho CWA NPDES Program Public Notice:** Region 10 received IDEQ's final IPDES program application documents on August 1st. Having received HQ approval to go forward with the public notice, comment period and public hearings for Idaho's submission, Region 10 has prepared for the notice to be published in the Federal Register and Idaho newspapers statewide on August 11<sup>th</sup>. Region 10 will also publish a webpage and issue a news release to ensure public awareness. Public meetings and hearings will be scheduled for the week of September 11 in five Idaho communities.

**Jordan Cove Liquefied Natural Gas Plant Clean Air Act Permitting Question (OR):** Jordan Cove LNG was issued a Clean Air Act permit by Oregon DEQ in 2015 to build a liquefied natural gas plant and co-located power plant in Coos Bay. The company now wants to revise their project and permit to build only the LNG plant (and an associated pipeline) in Coos Bay, Oregon. If constructed, it will be the first LNG export facility on the west coast. ODEQ has requested EPA's interpretation regarding whether the LNG plant is a fuel conversion plant for air permitting purposes, which will dictate the type of permit required. EPA's Office of Air and Radiation has requested Region 10's input on the interpretation in response to meetings between company representatives and the Senior Policy Advisor for OAR and separate meetings between the company and Region 10 staff and management on August 8th.

**Upcoming Public Events**

**Idaho Rural Partnership Board Meeting:** The Idaho Rural Partnership Board is meeting on August 16, in Orofino, ID. The IRP Board includes private, state, and federal interests, appointed by the Governor. Region 10's Idaho Operations Office Director serves on the IRP Board, and will attend the Board meeting. Part of the agenda for the meeting is to discuss economic development opportunities and challenges facing rural North-Central Idaho communities.

**Region 10 Promotes Food Waste Prevention and Recovery With Washington Dept. of Ecology:** During the month of August, Region 10 staff will present a series of six Food Waste Prevention Workshops organized by the Washington State Department of Ecology. These workshops will be held throughout the state and will promote tools available to reduce and recover wasted food through local government policy and programs.

**Upcoming Major Decisions**

**Approval of Oregon's General Air Quality and Permitting Rules:** In April 2015, The State of Oregon submitted extensive changes to its general air quality and permitting rules, requesting EPA approve the changes into the State Implementation Plan (SIP). On March 22, 2017, Region 10 published a notice of proposed rulemaking and received two adverse comments. We are currently working with the Office of General Counsel to finalize a response to the comments and are planning to route this final approval for signature in approximately a week. This SIP action is a high priority for the State of Oregon and for EPA Region 10.

**Last Week Highlights**

**Burn Ban Issued for Yakama Reservation (WA):** Based on meteorological conditions, elevated air pollution levels, air monitor readings on the Yakama Reservation in Washington, EPA Region 10 issued a ban on outdoor burning for the Yakama reservation on August 2nd. This burn ban will be in place until August 7th unless conditions at that time warrant an extension. The Yakima Regional Clean Air

Agency has also issued a ban on all outdoor burning, and their jurisdiction applies outside of the Yakama reservation boundaries.

**Portland City Council Selects Filtration to Address Cryptosporidium:** The Portland City Council made the decision on August 2nd to build a filtration plant in to address Cryptosporidium detections in drinking water from the Bull Run Reservoir and to come into compliance with the Long Term Treatment Rule. The City Council chose spending up to \$500 million to build a filtration treatment system within an estimated 10 years versus spending about \$105 million over five years on a facility that will treat water with ultraviolet light. The filtration treatment system will provide the City with options to treat a wider range of other potential contaminants in the future than the UV system and also has a significantly longer operational period than UV systems. In a related development, prior to the city council decision, the Oregon Health Authority granted the Portland Water Bureau a 60-day extension of the deadlines in the order revoking the variance from treatment. The City is expected to use the additional time to flesh out the details of how it intends to implement treatment, including the key issue of the timeline for design and construction. Portland is unusual for a system of its size in neither providing treatment nor filtration of its source water.

**Westward Seafoods Consent Decree Entered (AK):** On August 2<sup>nd</sup>, DOJ filed a Motion to Enter a consent decree (CD) settlement with Westward Seafood in the U.S. District Court in Alaska. The CD will resolve Clean Air Act violations by Westward Seafoods, Inc. at its seafood processing facility in Dutch Harbor, Alaska. The State of Alaska is also a party to the decree. DOJ originally lodged a proposed Consent Decree on April 17th. During the initial public comment period, EPA received comments and questions from the Qawalangin Tribe of Dutch Harbor. The Tribe did not object to the proposed settlement. The Tribe's comments and questions fell into three general categories: (1) requests for additional public process; (2) questions relating to the human health and environmental impacts of the NOX emissions resulting from the alleged violations; (3) and general questions about air quality and air quality regulation. EPA and DOJ addressed the Tribe's comments and questions in the Motion to Enter.

**Region 10 Presents at the Oregon Association of Clean Water Agencies Annual Meeting:** Last week Region 10's Acting Water Director spoke at the annual ACWA meeting summarizing the Region's work on a variety of water related issues across the state. ACWA represents 126 Oregon wastewater and stormwater management agencies, along with associated professionals in the field. The EPA presentation followed an open dialogue with ACWA members and Oregon DEQ water program managers covering TMDL, standards, and NPDES topics. EPA's presentation was well received and many members expressed appreciation for having both the state and federal water managers at the conference and available to answer questions.

**Weekly Report – 08/04/17**  
**Office of Environmental Information**

**Last Week's Highlights**

**GreenSpark Challenge Winners**

- **Brief description:** OEI announced the winners of the GreenSpark Challenge, Enhance Your User Experience. Out of the 26 ideas submitted, four winners were selected: AirNow Website, ChemView, TRI GuideME (Guidance Made Easy) and ECHO.
  - The winners will participate in a two-day Usability Workshop where they will have the opportunity to leverage the experience and creativity of EPA programmers, developers, user experience experts and end users to create more user-friendly and accessible EPA applications.
- **Who benefits or cares:** EPA application owners and challenge participants.
- **Why this is important:** This challenge provides an opportunity for application owners to learn how to make their external web, mobile or desktop applications more user-friendly and accessible.
- **Additional information:**
  - GreenSpark is an internal program that enables agency employees to launch “challenges” or requests for ideas from employees about how to solve a problem, meet an objective or highlight stories about employees’ contributions to advancing EPA’s mission and priorities





**Weekly Report – 08/04/2017**  
**Office of Policy**

**Documents Submitted to OFR July 28 - August 3, 2017**

FRL	Title	Date Submitted to OFR
9965-88-OAR	Relaxation of the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Several Parishes in Louisiana	8/3/2017
9965-67-Region 10	Air Plan Approvals, Idaho: Logan Utah/Idaho PM2.5 Nonattainment Area	8/2/2017
9965-69-Region 4	Air Plan Approval; Mississippi: Prevention of Significant Deterioration Updates	8/2/2017
9965-70-Region 4	Air Plan Approval; Mississippi: Prevention of Significant Deterioration Updates	8/2/2017
9964-74-Region 9	Approval and Promulgation of State Implementation Plans; Nevada; Regional Haze Progress Report	8/1/2017
9965-18-OAR	National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery Operations	8/1/2017
9965-26-Region 9	Approval of California Air Plan Revisions, San Joaquin Valley Unified Air Pollution Control District	8/1/2017
9965-52-Region 1	Air Plan Approval; Connecticut; Infrastructure Requirement for the 2010 Sulfur Dioxide National Ambient Air Quality Standard	8/1/2017
9965-55-OECA	Applicability Determination Index (ADI) Data System Recent Posting: Agency Applicability Determinations, Alternative Monitoring Decisions, and Regulatory Interpretations Pertaining to Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and the Stratospheric Ozone Protection Program	8/1/2017
9965-56-Region 4	Air Plan Approval; Kentucky; Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard	8/1/2017
9965-59-Region 4	Air Plan Approval; Georgia: New Source Review and Permitting Updates	8/1/2017
9965-60-Region 4	Air Plan Approval; Georgia: New Source Review and Permitting Updates	8/1/2017
9965-63-OAR	Revisions to Test Methods, Performance Specifications, and Testing Regulations for Air Emission Sources; Technical Correction	8/1/2017
9965-68-Region 4	Air Plan Approval; Kentucky; Regional Haze Progress Report	8/1/2017
9965-78-Region 8	Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Negative Declarations	8/1/2017
9961-69-OCSPP	Ethaboxam; Pesticide Tolerances	7/31/2017

9961-84-OCSP	Registration Review; Draft Human Health and/or Ecological Risk Assessment(s) for Benfluralin, Bromuconazole, Carbaryl, Clodinafop-propargyl, Diflufenzopyr, Deltamethrin, Esfenvalerate, Lufenuron, and Mepiquat Chloride/Mepiquat Pentaborate; Notice of Availability	7/31/2017
9963-02-OCSP	Cyclaniliprole; Pesticide Tolerances and Exemption from the Requirement of a Tolerance	7/31/2017
9963-58-OCSP	Beta Cyclodextrin, Methyl Ethers; Exemption from the Requirement of a Tolerance	7/31/2017
9963-80-OCSP	Pesticide Maintenance Fee; Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations	7/31/2017
9963-97-OCSP	Cancellation Order for Certain Pesticide Registrations and/or Amendments to Terminate Uses; Correction	7/31/2017
9965-53-OCSP	Nominations to the Augmented Science Advisory Committee on Chemicals (SACC); Request for Comments	7/31/2017
9965-61-OCSP	Revised Dates for Comment Periods for the November 2017 FIFRA Scientific Advisory Panel	7/31/2017
9965-57-Region 4	Petitions for Objection to State Operating Permits for Duke Energy, LLC – Asheville Steam Electric Plant (Buncombe County, North Carolina) and Roxboro Steam Electric Plant (Person County, North Carolina)	7/28/2017
9965-11-Region 8	Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Negative Declarations; Correction	7/28/2017
9965-51-Region 9	Approval and Promulgation of Implementation Plans; Enhanced Monitoring; California	7/28/2017

**Weekly Report – 08/04/2017**  
**Office of General Counsel**

**New Judicial Decisions**

- T (b) (6), (b) (5)

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**New Complaints Filed**

- C-15-0016 Plaintiff: Cl... 1-1G... 1-1G... Plaintiff: D...

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**New Petitions**

- None

**Upcoming Public Events & Important Meetings in the Next Two Weeks**

- Acting Principal Deputy General Counsel, Elise Packard, is out of the office from August 10 through August 18.

**Upcoming Major Deadlines in the Next Two Weeks**

08/03 (b) (6), (b) (5)

(b) (6), (b) (5)

08/03

08/03

08/03

08/03

Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms” rule.

08/04

(b) (6), (b) (5)

08/07

08/07

08/08

08/10 EPA’s Brief is due in *Montana Environmental Information Center v. EPA*, a petition for review of EPA’s final rule: Promulgation of State Implementation Plan Revisions, Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> National Ambient Air Quality Standards, Montana.

08/10 Oral Argument is scheduled in *Public Citizen v. Trump, et al.*, a case against multiple federal defendants claiming that EO 13771 violates: (i) separation of powers, (ii) the “take care” clause, and (iii) existing statutory directives by requiring ultra vires considerations in rulemakings, as well as an allegation that the OMB guidance is arbitrary and capricious.

08/10 Hearing on EPA’s Motion to Dismiss in *Southern California Alliance of POTWs v. EPA*, a challenge by POTW groups to use in NPDES permitting of statistical approach known as the

Test of Significant Toxicity (TST) for assessing whole effluent toxicity (WET).

- 08/10 S(b) (6), (b) (5)
- 08/11 A
- 08/11 J
- 08/11 M
- 08/11 EPA's Motion to Dismiss on jurisdictional grounds and Reply to Petitioners' Motion to Show Cause as to why the petition for review should not be dismissed are due in *LA Waterkeeper, et al. v. Pruitt*, a challenge to EPA's denial of petition asking EPA to exercise residual designation authority to require NPDES permits for commercial, industrial, and institutional stormwater discharges within two LA-area watersheds.
- 08/11 Opposition to Motion to Dismiss is due in *Duarte Nursery, Inc. v. US Army Corps of Engineers*, a CWA 404 enforcement case against crops nursery owner for ripping activity in waters of the US.
- 08/14 Motion to Govern Further Proceedings is due in *Southwestern Electric Power Co., et al. v. EPA*, a challenge to 2015 Steam Electric ELG Rule by Industry, Environmental Group, and Drinking Water Utility Petitioners.
- 08/14 Trial begins in *Foster v. EPA*, a challenge to an EPA administrative compliance order.
- 08/15 EPA's Dispositive Motion is due in *Cause of Action v. EPA*, a lawsuit alleging that EPA failed to respond to a FOIA request concerning EPA employees' use of an encrypted messaging applications called "Signal" to communicate about agency business, as well as EPA efforts to retrieve, recover, or retain records created or received by EPA employees on Signal from January 20, 2017, to present.
- 08/15 EPA's Reply Brief is due in *Northwest Environmental Advocates v. Commerce, NOAA, and EPA*, a challenge to EPA and NOAA actions and inaction with respect to Washington nonpoint source programs.
- 08/16 Oral Argument in *Universal Welding & Fabrication, Inc. v. U.S. Army Corps of Engineers*, an appeal of a favorable decision challenging a Corps' jurisdictional determination for adjacent wetlands.

- 08/17 Answer is due in *Alliance for the Wild Rockies v. EPA*, a suit to compel EPA to consult USFWS under the Endangered Species Act regarding the effect of EPA's ongoing remedy at the Silver Bow Creek Butte Area Superfund Site on the endangered species Bull Trout.
- 08/18 EPA's Answer is due in *Pineros y Campesinos Unidos del Norroeste, et al., v. Pruitt*, a challenge to deferral of the effective date of pesticide applicator rule.
- 08/18 Case Management Report is due in *CBD v. EPA*, a megasuit involving ESA challenges for numerous pesticide registration actions.

Hot Issues

## Ex. 5 - Deliberative Process

Upcoming Public Events

None.

Upcoming Major Decisions

None.

Last Week's Highlights

**Small Business Administration Office of the National Ombudsman Draft 2016 Report to Congress:** On July 31<sup>st</sup>, EPA responded to a request of the Small Business Administration Office of National Ombudsman (SBA ONO) to review and provide comments on its Draft 2016 Annual Report to Congress. Every year, the SBA ONO provides a report to Congress highlighting its accomplishments and issuing a scorecard rating for Federal agencies regarding their compliance with the Small Business Regulatory Enforcement Fairness Act (SBREFA). The Federal agency scores are based on the timeliness and quality of agency responses to comments submitted by small businesses regarding enforcement actions, as well as on each agency's non-retaliation policy, compliance assistance and notification to small businesses about their rights under SBREFA. The EPA had no comments on the report. For the 12th year in a row, EPA will receive an A rating; in fact, EPA will receive an A across board in every category. EPA's compliance assistance efforts were also highlighted in the report. Because enforcement and compliance topics are a large part of the annual report, OECA is the Agency contact (coordinating closely with EPA's Office of Small and Disadvantaged Business Utilization).

**CERCLA Consent Decree Entered (LCP Chemicals Site, GA):** On July 27<sup>th</sup>, the U.S. District Court for the Southern District of Georgia entered a Consent Decree (CD) for Remedial Design and Remedial Action (RD/RA) between EPA and Honeywell International and Georgia Power Company for the LCP Chemicals Site in Brunswick, GA. Under this settlement – worth approximately \$29 million – Honeywell and Georgia Power are required to dredge and install protective caps on portions of four tidal creeks, place a layer of clean sediment on 11 acres of marsh, and restore areas disturbed by construction. The work will address high concentrations of mercury, PCBs, lead and polycyclic aromatic hydrocarbons in the marsh's sediments. Additionally, capping the contaminants in place prevents them from moving throughout the marsh and contaminating animal life.

**Multiple EPA Regions and the Department of Justice Lodge a Clean Air Act 112(r) Consent Agreement:** On July 31<sup>st</sup>, Regions 1, 4, 5, 6, 7, 8 (led by Region 7) worked with the Department of Justice on a proposed Consent Decree (CD) with Harcros Chemicals Inc. to settle claims that Harcros

violated provisions of the Clean Air Act (CAA). Harsco maintains and operates 31 facilities in 19 states that manufacture, blend, repackage, and distribute a wide variety of commercial chemicals, including extremely hazardous substances. The agreement will assure that Harsco's accident prevention program complies with all applicable requirements. Under the proposed agreement, Harsco will audit 28 of its facilities to identify and correct any potential violations of its risk management program and comply with CAA requirements that facilities adequately assess hazards, undertake measures to prevent accidents, and be prepared to effectively address such accidents when they do occur. Harsco will correct any violations identified in the audits according to a schedule set forth in the agreement. The proposed settlement reflects the fact that Harsco initially brought the violations to the attention of EPA. The proposed CD was lodged with the U.S. District Court for the District of Kansas and will be subject to a 30-day public comment period.

**Guilty Plea in RINs Case:** On August 2<sup>nd</sup>, a co-operator of several shell companies that claimed to purchase and sell renewable fuel, pled guilty in the Middle District of Florida to criminal provisions of the Clean Air Act (False Statements) and Conspiracy to Commit Wire Fraud, in violation of 18 USC 1349. The Defendant agreed to pay restitution and forfeit over \$50 million (joint and several with other defendants) as a result of his role in a scheme to defraud buyers of biodiesel credits (known as "RIN" credits) through the fraudulent generation of RINs and tax credits multiple times on the same material. Over the course of a year, the co-conspirators generated at least 60 million RINs that were based on fuel that was either never produced or was merely re-processed, and the co-conspirators received at least \$42 million from the sale of these fraudulent RINs to third parties. The case was investigated by EPA's Criminal Investigation Division, the U.S. Secret Service, and the Internal Revenue Service-Criminal Investigation.



**Weekly Report – 08/04/2017**  
**Office of Water**

**Hot Issues**

**Methods Update Rule:** This week, OP sent forward for your signature the Final Methods Update Rule. The rule amends an existing regulation by approving revised analytical methods (test procedures) to be used to analyze the chemical, physical, or biological components of wastewater and other environmental samples that are required under the CWA, improving data quality, keeping current with technology advances, and providing the regulated community with greater flexibility.

**Duke Energy FDF Variance Request:** This week, Region 5, in coordination with OW, anticipates moving forward with public comment on a proposal to grant Duke Energy's FDF (Fundamentally Different Factors) variance request. In April 2016, Duke Energy submitted an FDF variance request seeking relief from certain limitations included in the 2015 Steam Electric ELG for the Edwardsport IGCC Station facility. Region 5 intends to propose to grant a variance establishing alternative effluent limitations for 2 of the 4 pollutants regulated by the Steam Electric ELG (mercury and TDS). The tentative decision will be public noticed in the Vincennes Sun, the local paper, as well as on Region 5's NPDES website. A final decision will be prepared after the close of the public comment period in 30 days.

**Missouri Lakes Federal Numeric Nutrient Criteria:** This week, the State of Missouri published its draft nutrient criteria and regulatory impact reports (RIR) for public notice. Per a consent decree, EPA must sign a rule proposing numeric nutrient criteria for Missouri lakes by December 15. OW is on track to meet this deadline, which would include submission of the proposal to OMB in August. If the state's rulemaking remains on schedule, we would expect the state to submit a package to EPA for review by March 2018. In light of this, we are exploring options to request an extension to the consent decree. HQ and regional staff are currently reviewing the State's proposal and anticipate additional supporting information will be available in early September.

**Waters of the U.S.:** The 30-day comment period for the Step 1 proposed rule closes on August 28. To date, regulations.gov has uploaded over 1,700 comments and the Agency has received seven letters representing a number of organizations, and members of the House and Senate seeking an extension of the comment period. On August 2, we presented on the WOTUS Step 1 and Step 2 process to the National Small Business Association Environment and Regulatory Affairs Issue Committee, encouraging them to comment on the Step 1 proposal and participate in future opportunities to provide policy input for Step 2. Over 200 members participated. In addition, staff are moving forward to plan a series of general outreach webinars seeking input on the step 2 proposal.

**Last Week Highlights**

**Steam Electric:** This week, OW conducted a public hearing on the proposed rule to postpone certain compliance dates in the Steam Electric Effluent Guidelines that were finalized in 2015. 87 people attended the hearing, including reporters from the AP, Inside EPA, and PBS Frontline who filmed the hearing. Industry representatives from the Utility Water Act Group, the Edison Electric Institute, and the American Public Power Association offered comments in support of finalizing the rulemaking to postpone the compliance dates until EPA completes reconsideration of the 2015 final rule. The remaining speakers, which included private citizens, advocacy organizations such as the Sierra Club, Physicians for Social Responsibility, the Center for Biological Diversity, local riverkeepers, and NRDC, along with the Executive Director of the Association of State Drinking Water Administrators expressed

their interest in a withdrawal of the proposed rule and the continuation in implementing the 2015 final rule. OW intends to compile a final list of attendees in the coming days, which will be entered into the docket for this rule along with a transcript of the hearing and any written comments that were submitted to EPA during the hearing.

**WaterSense OIG Evaluation:** This week, the OIG released their final report, *EPA's Voluntary WaterSense Program Demonstrated Success*. The purpose of the evaluation was to “assess the accuracy of WaterSense product label claims of water and energy savings, verify industry data used to estimate program accomplishments, and test the veracity of the program’s annual accomplishment estimates”. The overall conclusion of the report was very positive. Among its conclusions, the IG noted that:

- “The EPA’s voluntary WaterSense program demonstrated success in its estimates of returns on investment, controls on water savings and product performance, and partner support.”
- “The program used transparent and documented controls, providing assurance that the program will continue its good practices.”
- “The WaterSense program is a sound model for voluntary programs.”
- “The EPA also has an opportunity to inform good practices for program management and accountability in other EPA programs by sharing successful WaterSense practices more broadly.”

The IG identified a few actions they believed, if addressed, would strengthen the program. This included evaluating the appropriateness of adopting water savings as a program measure for national program guidance (the existing measure is based on number of WaterSense partners). The IG also recommended that WaterSense develop processes to request that partners reconfirm their commitment to the program and to improve the rate of annual program partner reporting. EPA agreed to the recommendations and provided sufficient responses to allow the IG to consider all recommendations as resolved. The report can be found at <https://www.epa.gov/office-inspector-general/report-epas-voluntary-watersense-program-demonstrated-success>.



**Upcoming Hot Issues and Important Deadlines**

- (b) (5)

**Upcoming Events**

- **August 8** - Ken Wagner will visit Region 6 to attend their Environmental State Directors Meeting in Dallas, TX

**Past Week Accomplishments**

- **July 31** – National Priorities List (NPL) Rollout
- **July 31** – Briefed OMB on PRIA reauthorization w/OCSP and OGC
- **August 1** - Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Senate Committee on Environment and Public Works held a hearing on “Oversight of the U.S. Environmental Protection Agency's Superfund Program.”
- **August 1** – Held a Senate Agriculture staff briefing on PRIA reauthorization w/OCSP
- **August 1** – EPA issued a proposed rule, “Relaxation of the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Several Parishes in Louisiana.” <https://www.epa.gov/gasoline-standards/request-louisiana-relax-rvp-standard-gasoline-sold-several-parishes>
- **August 2** - EPA withdrew the June 2017 decision to delay by one year agency designations for whether areas are attaining the 2015 ozone air quality standards. According to the announcement, information gaps justifying the delay no longer appear to be as extensive as initially believed and that EPA might be able to issue the designations this year.
- **August 2** - Len Ashack, Director of the Wastewater Department, and Dale Orem, Vice President, Sanitary Sewer Board, Jeffersonville, Indiana, met with DAA Bennett, Advisor Bangerter, and OGC, OW, OECA, and DOJ, Region V staff to discuss the city’s concerns about water infrastructure challenges, including the community’s ability to finance Long Term Control Plan (LTCP) and Consent Decree requirements.
- **TBD** - CERCLA and EPCRA briefing for staff of Senator John Cornyn

**Ongoing Activities**

- (b) (5)



# **Ex. 5 - Deliberative Process**

made.

### **Hot Issues**

#### **Reports of Crop Damage from Use of the Pesticide Dicamba**

The Office of Pesticide Programs is continuing to lead efforts to assess and understand damage to non-target crops from use of dicamba.

On July 28, OPP held a teleconference with Extension Service experts and State Lead Agency representatives to learn more about the observed crop damage to non-target crops from use of dicamba. In late 2016, EPA registered dicamba for use on dicamba-tolerant cotton and soybeans. Monsanto, BASF, and DuPont have dicamba products. Since June 2017, EPA has been receiving reports of a high number of crop damage incidents involving dicamba. Currently, interim incidents reported of damaged soybean crops nationally are estimated at 2.5 million acres of impacted crop land. Other damaged plants include watermelon, peanuts, private gardens and tree species. The number of complaints is especially high in Arkansas, Missouri, Mississippi and Tennessee. Incidents have also been reported in several other states, including those in the north. The agency continues conducting in depth conference calls to discuss possible causes of the damage and possible solutions to address this unacceptable situation. These calls involve various stakeholders, including state lead agencies, university weed scientists, state extension agents, EPA regional staff, representatives from USDA, and others. During the week of August 7, 2017, OPP will be further discussing the situation with dicamba registrants.

**Weekly Report – 08/04/2017**  
**Office of Land and Emergency Management**

**Hot Issues**

1. **CCR State Permit Program Guidance.** Today, the final version of the Guidance will be sent to OMB as an “interim final” for their review.
2. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing.**
3. **Clean Air Act 112(r) Risk Management Program Rule.**
4. **Hanford Record of Decision (ROD).**
5. **Other ongoing major Superfund sites (for example, East Chicago, West Lake, Gold King mine/Bonita Peak, Hudson River, Portland Harbor).**
6. **CERCLA-EPCRA AFO-CAFO Rule.**
7. **Definition of Solid Waste (DSW).** We are working with OGC to follow up on the DC Circuit’s decision.
8. **Edwards Air Force Base (AFB).** The State of California is expected to release a draft regulation for public review tomorrow. This draft regulation is central to an Edwards AFB formal dispute over the application of the State-derived cleanup value for PCE at the site.

**Upcoming Public Events**

1. **RCRA Branch Chiefs Meeting (not a public event, but still important).** On August 8 and 9, the RCRA Branch Chiefs will meet in Washington, DC.
2. **Superfund Roundtable.** OLEM reps will participate in The Horinko Group’s Superfund Roundtable on August 10.
3. **Tribal Lands and Environment Forum** (week of Aug 14<sup>th</sup>, in Tulsa, OK).

**Upcoming Major Decisions**

1. **Hanford ROD.** We are working with Region 10 and the AO in preparation to brief the Administrator, targeted for in mid-September.
2. **CERCLA-EPCRA AFO-CAFO Rule.** We are conferring with the AO on next steps.
3. **CERCLA 108(b) Financial Assurance Rulemaking.** We are discussing a NODA with the AO, OP, and OGC.
4. **E-Manifest User Fee Final Rule.** We are working with OP to submit the rule package to OMB.
5. **RMP Modernization Rule Reconsideration.** OLEM, OGC, and the AO are conferring on next steps and schedule.

### **Last Week Highlights**

- 1. National Priorities List package of proposed and final sites.** The press release was issued on Monday, and today the proposed and final rules to update the National Priorities List were published in the Federal Register.
- 2. Brownfields Legislation.** On July 27, the House Committee on Transportation and Infrastructure marked up and reported out its brownfields legislation. House Energy and Commerce and Senate Environment and Public Works had previously approved brownfields legislation as well.
- 3. Superfund Hearing.** On August 1, the Senate Subcommittee on Superfund, Waste Management, and Regulatory Oversight held a hearing on "Oversight of the U.S. Environmental Protection Agency's Superfund Program."
- 4. General Electric Financial Assurance template.** We are conferring with the AO regarding this technical assistance requested by state staff.

**Weekly Report – 08/04/2017**  
**Office of the Chief Financial Officer**

**Hot Issues**

- N/A

**Upcoming Public Events**

- E-Enterprise roundtable discussion planned for August 17 at the Tribal Lands Environment Forum in Tulsa, OK.

**Upcoming Major Decisions**

- As follow up to last week's briefing, OCFO is meeting with Henry Darwin next week to discuss proposed approach to Quarterly Performance Reviews, development of strategic measures and FY 2018-2019 Agency Priority Goals for draft Strategic Plan as well as quarterly/monthly measures for the Quarterly Performance Report for the Administrator.
- In response to a Senate Appropriations Committee request, OCFO issued a data call on August 1 asking for policy and funding capability/impact statements on a number of issues due to OCFO on August 7. OCFO will work with the impacted NPMs as well the Policy Team, OPA, Chief of Staff, and OGC to finalize to submit to Senate Committee staff by the end of August. Neither the Senate Appropriations Committee mark-up nor House Floor action have been scheduled but early feedback from appropriations staff is that House action could occur the week of September 3 and Senate action could occur the week of September 17.
- OCFO continues to work with the appropriate NPMs, OGC, OCIR and the Policy Team to review responses to the Senate Appropriations Committee Questions for the Record (QFRs). When ready, OCFO will submit responses to OMB for approval prior to transmittal to the Hill. These responses will be inserted into the Senate hearing record and available to the public.

**Last Week Highlights**

- On August 2, OCFO issued FY 2019 OMB Budget Submission major policy and resource information and additional base budget guidance to Senior Leaders via a restricted access SharePoint Site. The budget is due to OMB on September 11 with interim deadlines for various components. As a follow-up, OCFO is working with OCIR and OITA/AIEO to schedule conference calls with ECOS and National Tribal Council officers to discuss EPA's FY 2019 Budget with Mike Flynn, Henry Darwin, Holly Greaves.
- OCFO participated in the Lean Advocate Symposium in Denver, CO.

**Other**

- Public comment period on draft FY 2018-2019 NPM Guidances concludes August 4, followed by NPM review and revision, as needed, to finalize and post the Guidances to the internet later this month after appropriate review and vetting with the Policy Team.
- OCFO is reviewing, revising, and consolidating NPM submissions to prepare the draft *FY 2018-2022 EPA Strategic Plan* for agency red flag review by Acting AAs/RAs/DAAs/DRAs (August 9-14) prior to Policy Team/OPA review (August 17-31). We are scheduling a meeting next week with OMB to discuss their feedback on the measurability of EPA's straw Strategic Plan framework.
- Remaining regional/state meetings are planning to include a state discussion on the role of the newly established E-Enterprise Regional Coordinators to share and provide feedback on the regional position. OCFO is coordinating with OCIR, Regions (Acting DRAs), and ECOS to facilitate the conversation and provide support. Details are as follows:



- R6: August 8 (Scott Thompson/OK DEQ, Bryan Shaw/TCEQ (TX), and Becky Keogh/ADEQ (AR) participating)
- R10: August 17 (Meeting including Canada, not just states and EPA).
- R3: August 24 (Ben Grumbles/MD presenting)

**Weekly Report – 08/04/2017**  
**Office of Air and Radiation**

**Upcoming Hot Issues and Important Deadlines**

- **Proposed Rules under review at OMB:**
  - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
  - Review of the Clean Power Plan
- **Sulfur Dioxide (SO<sub>2</sub>) Designations:** Per a court order, we have a December 31, 2017, deadline to promulgate final SO<sub>2</sub> area designations for Round 3 (which includes modeled areas and areas without monitors). To meet this deadline, the Regional Administrators will need to send 120-day letters to the States in early August in which we will notify the States of any intended modifications to their attainment/nonattainment recommendations.
- **Ozone Designations:** This week EPA withdrew its prior announced one-year extension of the deadline for promulgating initial area designations for the 2015 ozone national ambient air quality standards (NAAQS). EPA is moving forward with the 2015 ozone designations, working with states to help areas with underlying technical issues, disputed designations, and/or insufficient information. There may be areas of the United States where designations could move forward in the next few months.
- **Oil and Gas Notice of Data Availability (NODA):** In an upcoming Federal Register notice, we will be issuing a NODA in support of the proposed rule titled “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements,” which was published on June 16, 2017. In the NODA, EPA is providing additional information on several topics raised by stakeholders and is soliciting comment on the information presented.
- **Point of obligation:** In an upcoming Federal Register notice, we will be providing notice of the Agency’s denial of several petitions requesting that EPA initiate a rulemaking process to reconsider or change 40 CFR 80.1406, which identifies refiners and importers of gasoline and diesel fuel as the entities responsible for complying with the annual percentage standards adopted under the Renewable Fuel Standard (RFS) program.
- **Mid-term Evaluation (MTE) Determination:** In an upcoming Federal Register notice, EPA will be announcing that it is reconsidering whether the light-duty vehicle greenhouse gas standards established for model years 2022-2025 are appropriate and we will be inviting stakeholders to submit any new comments, data, and information they believe are relevant to the Administrator’s reconsideration of the MTE Final Determination.
- **Ozone Report to Congress:** As required by the Consolidated Appropriations Act, 2017, EPA soon will be submitting to the House and Senate Appropriations Committees a report on “the potential for administrative options to enable States to enter into cooperative agreements with the Agency to provide regulatory relief and meaningfully clean up the air” with respect to ozone air quality.

**Upcoming Meetings, Public Events, or Other Public Releases**

- **2017 International Emission Inventory Conference:** EPA will host the 2017 International Emission Inventory Conference Aug. 14-18 in Baltimore. This semi-annual conference focuses on scientific, technical, logistical, and policy aspects of emissions inventories and their development and use. The focus of this year’s technical conference is improving science and streamlining processes to build robust, sound and timely inventories. EPA presentations and papers will address emissions from a range of industry sectors, including several oil & gas-related efforts. (Note the oil & gas presentations will be cleared through the agency’s oil & gas review process.)

### Upcoming Decisions

- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- **For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.
- **For Administrator's Signature – Revisions to Procedure 2 – Quality Assurance Requirements for Particulate Matter (PM) Continuous Emission Monitoring Systems (CEMS) at Stationary Sources:** This rule finalizes the changes to Procedure 2 - related to PM CEMs - that were proposed on November 21, 2016, and responds to the adverse comment received in response to the proposal and direct final rule. Industry has asked for the revisions to this rule. The package has cleared OP and is with the Administrator's office for signature.
- **For Administrator's Signature – Proposed Amendments to the Amino/Phenolic Resins Risk National Emission Standards for Hazardous Air Pollutants (NESHAP):** This proposal is in response to petitions for reconsideration and would seek public comment on proposed amendments to the emissions standards for continuous process vents at existing facilities; proposed provisions for storage tanks; and whether it is necessary to extend the current compliance deadline of October 9, 2017 for facilities to comply with the proposed revised standards. The package has cleared OP and is with the Administrator's office for signature.
- **For Administrator's Signature - Good Cause Final Rule and Proposed Rule: National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry: Alternative Monitoring Method:** On June 23, 2017, we published a direct final rule with a parallel proposal for the Portland Cement NESHAP. The direct final rule extended, indefinitely, approval for the use of an alternative compliance monitoring method to show compliance with hydrogen chloride (HCl) emissions limits for Portland cement plants until calibration gases used for the emission monitoring methods called for in the rule are widely available. We received adverse comment and were not able to withdraw the direct final rule prior to it taking effect. As a result, we are now issuing a good cause final rule to withdraw the direct final rule, and also issuing a re-proposal of the extension of the HCl monitoring alternative. The package will be to OP by the end of the week.
- **For Administrator's Signature – Proposed Rule to Approve Request from Tennessee to Relax the Summer Gasoline Volatility Standards for Shelby County:** This proposal, when finalized, will approve the Tennessee Department of Environment and Conservation's (TDEC) request to relax the Federal Reid Vapor Pressure (RVP) gasoline standard from 7.8 pounds per square inch (psi) to 9.0 psi in Shelby County (the Memphis area) that currently meet the ozone National Ambient Air Quality Standards (NAAQS). The package will be to OP by the end of the week.
- **For Office Director's Signature - Allocations of Cross-State Air Pollution Rule (CSAPR) Allowances from New Unit Set-Asides for the 2017 Compliance Year:** The CSAPR regulations require EPA to publish two Federal Register (FR) notices for each of the two rounds of allocations to new units under CSAPR, one notice seeking comment on the preliminary allocation calculations

and the other notice to respond to any objections received. EPA published the first FR notice for the 2017 program year in June. This notice is the second of the four required FR notices for the 2017 program year. The notice was signed this week and is with OP for review and for submitting to the Federal Register for publication.

### **Recap of the Past Weeks**

- **Actions signed recently:**
  - Title V Petition Response for Alon: USA-Bakersfield Refinery (located in California)
  - Proposed Rule to Approve Request from Louisiana to Relax the Summer Gasoline Volatility Standards for Certain Areas in the State
- **Renewable Fuel Standard (RFS) public hearing:** We held a public hearing this week on the proposed 2018 RFS standards.
- **Air Quality Trends through 2016:** This week we posted on-line an update to the trends report to reflect air quality monitoring data through 2016.
- **Radiochemistry Support to Region 7 on West Lake Landfill:** EPA's radiation laboratory (Office of Radiation and Indoor Air's National Analytical Radiation Environmental Lab program office) continues to evaluate radiochemistry results from the West Lake Landfill (Superfund site) to determine whether radionuclides detected in storm water came from contaminants at the site or from naturally occurring radionuclides in soil particles. This evaluation involves a thorough technical review of the results as well as the methods used to collect, process and analyze the samples.

**Weekly Report – 08/04/2017**  
**Office of International and Tribal Affairs**

**Hot Issues**

**ELK/KOOTENAI Watershed Issues** - "The Senate Appropriation Committee directs EPA, in coordination with state, local, and tribal partners, to develop a framework for a binational watershed quality assessment in the Elk River watershed. The assessment shall specifically address methods to assess selenium, sulfates, nitrates, and other harmful contaminants found in the water column, identify their source, and ultimately reduce the presence of these contaminants. This report shall be submitted to the Senate Energy and Water Development Committee no later than two years after the enactment of this legislation."

The water quality issues in the Elk and Kootenai Watersheds have resulted from years of operation of open-pit coal mines in British Columbia. The tribes in Montana and Idaho have met with EPA (Region 8 and 10, OITA, OW and OGC) and expressed the need for a binational framework to address transboundary pollution concerns, including providing a process for tribal engagement and a broad assessment of the watersheds.

**Upcoming Engagements**

August 14-17 - Tribal Lands and Environment Forum in Tulsa

August 21 - Meeting with Secretary Pacchiano in Mexico City

**Past Week Highlights**

**Arctic Policy Group Meeting** - At the Arctic Policy Group (APG) interagency meeting hosted by the Department of State, OITA presented a readout from the first Arctic Contaminants Action Program (ACAP) Working Group Meeting. This presentation highlighted the progress made on EPA-led initiatives, such as the Circumpolar Local Environmental Observer Network and Solid and Hazardous Waste Management in Indigenous Communities. Other items in the agenda included updates on the status of U.S. implementation of Ministerial Declarations, the international policy and the Alaska Waterways Safety Committee, the Arctic Fisheries negotiations, and an overview of the U.S. Strategy for the Arctic Council.

**Mexican Emission Control Area** - EPA (OITA) and counterparts from Canada and Mexico discussed the Commission for Environmental Cooperation (CEC) project to reduce air pollution from maritime shipping and port operations in North America. Transport Canada representatives want the project to focus on helping Mexico to complete and submit a proposal to designate a Mexican Emissions Control Area (ECA) to the International Maritime Organization (IMO). Mexican officials reported that they are working to brief their Congress on the importance of acceding to MARPOL Annex VI and establishing a Mexican Emissions Control Area.

**Weekly Report – 08/04/2017**  
**Office of Research and Development**

**Hot Issues**

**TSCA Support:** ORD continues to work with OPPT to improve estimates of chemical exposure used for chemical prioritization and evaluation. ORD and OPPT staff are planning two workshops. The first will focus on estimating exposure from chemicals in consumer products and will involve exchanging information on ORD's Human Exposure Model and OPPT's Chemical Exposure Model. The intent is to identify how these tools can be used to inform the implementation of TSCA, outline next steps for their evolving development, and look for opportunities for integration. The second workshop will focus on occupational exposure to chemicals. Representatives from ORD, OPPT, NIOSH and OSHA will be brought together to discuss what information is available and how to use that information to support TSCA.

**Upcoming Public Events**

**Rural community assistance for small drinking water systems in Puerto Rico**

July 31-August 4, ORD, EPA Region 2, and the Inter-American University of Puerto Rico (IAUPR), will evaluate drinking water treatment and monitoring technologies in small communities near Patillas, PR, for compliance with the Safe Drinking Water Act and contributions to improving public health. The collaborators will train community volunteers to be citizen scientists by demonstrating how to download monitoring results and analyze bacteria samples. The project team will also evaluate two different configurations of biological sand filters for waterborne pathogen removal.

**EPA-ECOS PFAS Call**

On August 7, ORD will conduct a teleconference with the Environmental Council of the States, interested states and EPA scientists to discuss PFAS analytical methods, toxicity and treatment issues. Bob Kavlock will present an overview of EPA's cross-Agency coordination activities, and there will be an update on EPA's analytical methods development and validation effort. These regular calls were requested by the states in our discussions on state research needs to share information on PFAS technical issues.

**Meeting on Aquifer Storage and Recovery (ASR), Oklahoma City, August 7**

ORD is meeting with staff members from the Oklahoma Department of Environmental Quality and the City of Ada to discuss a limited scale ASR project proposed by the City of Ada. These limited scale demonstrations are allowed under the new State of Oklahoma regulations on ASR and may provide an opportunity for research on the effects of ASR on water quality and quantity in the Arbuckle Simpson Aquifer recharge area.

**Minnesota Department of Health Meeting with ORD on ToxCast and Rapid Exposure and Dose**

At this year's Society of Toxicology meeting, Minnesota Department of Health (DOH) expressed interest in ToxCast and Rapid Exposure and Dose data to evaluate chemicals. As a result, there will be a meeting between ORD and Minnesota DOH on August 14<sup>th</sup>. At this meeting, Minnesota DOH will provide an overview of their interest and ORD will provide an overview of these new approaches for evaluating chemicals for potential health effects. The Minnesota DOH toxicology staff will participate along with staff from ORD.

### **Last Week Highlights**

#### **New Mobile App Helps Protect Citizens from Health Risks of Wildfire Smoke**

EPA has launched a citizen science public health research project that allows people to use a new ORD-developed mobile application to learn about wildland fires and smoke health risks in their areas. The *SmokeSense* app can be used to report health symptoms and actions people may take to lower their exposure. Researchers will evaluate results to understand how smoke exposure affects health and productivity, and how health risk communication strategies improve public health outcomes. EPA will incorporate local feedback for the next smoke season.

#### **ORD Algal Bloom Detection Work Featured**

On July 30<sup>th</sup>, the Associated Press published a story, *Researchers creating warning system for toxic algae in lakes*, which describes research currently being conducted in the area of algal bloom detection. ORD's Blake Schaeffer was interviewed for this story and he spoke about EPA's efforts to develop methods for early detection of algal blooms. The Associated Press story was published by multiple other news outlets such as the New York Times [1], ABC News [2], and Centre Daily Times [3]. In addition, Schaeffer was interviewed for the Tim Denis Show on *News Talk Radio 610, CKTB*, in St. Catharines, Ontario, Canada. In the interview, Schaeffer and Denis discuss EPA's work on algal bloom detection and why it is important.

#### **PFAS Webinar for EPA Regions**

On July 31<sup>st</sup>, ORD hosted a webinar on PFAS Methods for regional partners. The presentation, titled *Per- and Poly-fluorinated compounds Analysis: Case Study Cape Fear Drainage Basin*, summarized the Cape Fear PFAS sampling project. The summary included a timeline of events and overviews of field and laboratory methods, quality assurance and quality control measures, and equipment used for the study. The presentation also summarized findings and current efforts.

#### **Scientific Integrity**

On August 2, the Office of the Science Advisor responded to the Sierra Club's March 14, 2017 letter sent to the EPA Office of the Inspector General regarding a Violation of Scientific Integrity Policy by Administrator Pruitt. A Scientific Integrity Review Panel found that the public statements cited by Sierra Club did not violate the Scientific Integrity Policy. In making this finding, the Scientific Integrity Review Panel stated that an agency employee is free to express one's opinion on the science. The Panel noted that this protection is afforded to any employee including the Administrator.

#### **Regional Sustainability & Environmental Research Program**

This week ORD announced the selection of the six top-rated proposals submitted for the FY17 Regional Sustainability & Environmental Research Program (RESES) solicitation. Through RESES, regionally-identified environmental issues are paired with ORD expertise to address critical state and community needs. RESES projects can be a unique opportunity to apply some of our newest research tools to address regional priorities and inform current ORD research.

**Weekly Report – 08/04/2017**  
**Office of Administration and Resources Management**

***Hot Issues***

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None

***Upcoming Public Events***

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None

***Upcoming Major Decisions***

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None

***Last Week's Highlights***

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**Federal Exchange on Employment and Disability**

On July 20, 2017, OARM participated in the fourth meeting of the Federal Exchange on Employment and Disability Personal Assistance Services Roundtable hosted in collaboration with the Office of Personnel Management, Equal Employment Opportunity Commission, the U.S. Department of Labor's Office of Disability Employment Policy, and the Employer Assistance and Resource Network on Disability Inclusion. This meeting focused on agency obligations, under the updated Section 501 regulation, to provide services to employees with targeted disabilities. Representatives from the EEOC, the Department of Transportation, ODEP and other agencies discussed their experiences which was followed by a question and answer period.

**Meet and Greet Ice Cream Social for Student Interns and Volunteers with the Administrator**

OARM coordinated the Administrator's meet and greet and ice cream social for interns and volunteers on Tuesday, July 25, 2017. Administrator Pruitt mingled with the participants who also heard from agency senior executives, including Jane Nishida, Oscar Morales, Nigel Simon and Mike Flynn, about their experiences at the EPA. The senior executives also answered questions during the question and answer session.

**Mandatory Training**

The EPA 2017 mandatory training courses are being highlighted each week in This Week @ EPA. This week the newsletter will highlight the New Domestic Violence Awareness Training which addresses the effects of domestic violence on the workplace. Approximately, 43% of all mandatory courses have been completed to date. The deadline for completing the courses is September 30, 2017.